



Attorney Ref. No.: 09800080-0003  
Client Ref. No.: Genentech Ref. P1887R1-1 US

1635

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Sean H. Adams, et al. DOCKET NO.: 09800080-0003  
SERIAL NO.: 09/888,264 GROUP ART UNIT: 1635  
DATE FILED: June 22, 2001 EXAMINER: Jon E. Angell  
INVENTION: "CONTROL OF METABOLISM WITH HUMAN  
2-OXOGLUTARATE CARRIER"

INFORMATION DISCLOSURE STATEMENT TRANSMITTAL LETTER

Mail Stop DD  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith is a Second Supplemental Information Disclosure Statement for consideration in the above-identified application. This Information Disclosure Statement is submitted:

- ☐ Within 3 months (1) of filing date of a national application; (2) of date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application; or (3) before the mailing date of a first Office Action on the merits, whichever occurs last. (No fee is required.)
- ☒ After the mailing date of a first Office Action but before (1) mailing of a final action under 37 C.F.R. §1.113; or (2) mailing of a notice of allowance under §1.311, whichever occurs first.
- ☒ Payment for the fee set forth in 37 C.F.R. §1.17(p) accompanies this submission; or
- ☐ The certification specified in 37 C.F.R. §1.97(e) is made below. (No fee is required.)
- ☐ After the mailing of (1) a final action under 37 C.F.R. §1.113; or (2) a notice of allowance under 37 C.F.R. §1.311 whichever occurs first, but **before** payment of the issue fee. The certification specified in 37 C.F.R. §1.97(e) is made below. The Commissioner hereby is petitioned to consider the Information Disclosure Statement accompanying this submission. Payment for the Petition fee set forth in 37 C.F.R. §1.17(i)(1) accompanies this submission.
- ☐ The undersigned counsel for applicant(s) hereby certifies each item of information identified in the Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- ☐ The undersigned counsel for applicant(s) hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart foreign application, or to the knowledge of the undersigned, after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.
- ☐ PTO Form 2038 to charge filing fee of \$0 to Sonnenschein's American Express Account.
- ☒ The Commissioner is hereby authorized to charge any deficiency in fees which may be required, or credit any overpayment to Account No. 19-3140. *A duplicate copy of this sheet is enclosed for this purpose.*

Very respectfully,

SONNENSCHN NATH & ROSENTHAL LLP

By *Gregory M. Zink*, Reg. 48,492  
Gregory M. Zink, Ph.D.

Sonnenschein, Nath & Rosenthal LLP  
P.O. Box 061080, Wacker Drive Station, Sears Tower  
Chicago, Illinois 60606  
Telephone (312) 876-8000

When phoning re this application,  
please call (312) 876-8936.

CERTIFICATE OF MAILING

I hereby certify that this Information Disclosure Statement is being deposited with the United States Postal Service in an envelope addressed to Mail Stop DD, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. on *August 23*, 2001.

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*Doris M. Paino*  
Doris M. Paino



Attorney Ref. No.: 09800080-0003  
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**SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

Mail Stop DD  
Commissioner of Patents  
P.O. Box 1450,  
Alexandria, VA 22313-1450

Dear Sir:

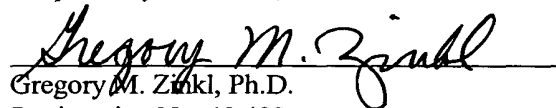
In accordance with the provisions of 37 C.F.R. § 1.56, Applicant requests that citation and examination of the reference identified on the attached PTO-1449 Form, a copy of which is enclosed herewith in accordance with 37 C.F.R. § 1.98, be made during the course of examination of the above-referenced application for United States Letters Patent.

**EXPLANATION OF RELEVANCE**

Applicant previously submitted the enclosed reference to the U.S. Patent and Trademark Office on July 31, 2003 as reference No. C39 in a Supplemental Information Disclosure Statement filing. Applicant noted on the Form 1449 for this reference that "page 7 is currently unavailable from publisher." After employing the assistance of an outside vendor to obtain a complete copy of the reference, Applicant is herewith resubmitting the complete Tisdale reference including the previously missing page 7, as reference C1 hereto.

Applicant respectfully submits that no additional IDS filing fee is due in this application since this Second Supplemental IDS is being filed merely to complete the earlier-submitted copy of the Tisdale reference in the patent file.

Respectfully submitted,

  
Gregory M. Zinkl, Ph.D.  
Registration No. 48,492  
Scientific Advisor and Registered Patent Agent

August 25, 2003  
SONNENSCHN NATH & ROSENTHAL LLP  
P. O. BOX 061080  
WACKER DRIVE STATION, SEARS TOWER  
CHICAGO, IL 60606  
(312) 876-8936 (Phone)  
(312) 876-7934 (Fax)  
gzinkl@sonnenschein.com (Email)  
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Please place this sign (+) inside this box ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Substitution Form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>		<b>Complete if Known</b>	
		Application Number	09/888,264
		Filing Date	June 22, 2001
		First Named Inventor	Sean H. Adams, <i>et al.</i>
		Group Art Unit	1635
		Examiner Name	Jon E. Angell
		Attorney Docket Number	09800080-0003
Sheet		of	
<b>OTHER ITEMS - NON PATENT LITERATURE DOCUMENTS</b>			
Examiner Initials*	CiteNo.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog <i>etc.</i> ), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	C39	Tisdale, M., "Cancer Cachexia: Metabolic Alterations and Clinical Manifestations," <i>Nutrition</i> , 13:1-7 (1997) (complete reference herewith submitted).	

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.